

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADP, INC.,

Plaintiff,

-against-

PLANET AUTOMALL, INC.,

Defendant.

ORDER

FILED

09 CV 0185 (ILG) (RER)

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 03 2012 ★

BROOKLYN OFFICE

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GLASSER, United States District Judge:

Summary judgment was granted in favor of plaintiff on January 12, 2012. The matter was then referred to Magistrate Judge Reyes for a Report and Recommendation after conducting an inquest as to the amount of damages to be awarded. That Report and Recommendation, dated September 17, 2012, advised the plaintiff that objections to it, if any, were to be filed and served within fourteen days of receipt, and that failure to do so may waive the right to appeal. As of this date, no objection has been filed.

The Report and Recommendation, which thoroughly reviewed the facts and the controlling authorities is, after due consideration, hereby adopted in its entirety. Accordingly, it is hereby ordered that judgment be entered in favor of plaintiff in the amount of \$341,461.89, plus \$65.44 per diem in pre-judgment interest to run from May 11, 2012 through date of entry of final judgment, broken down as follows:

- 1) \$112,616.44 in damages under the DMS Agreement;
- 2) \$19,366.93 in damages under the SEM Agreement;
- 3) \$7,150.72 in damages under the VS Agreement;
- 4) \$64,351.63 in interest and \$55.54 per diem from May 11, 2012 through date of entry of final judgment in pre-judgment interest under the DMS Agreement;
- 5) \$9,667.97 in interest and \$6.37 per diem from May 11, 2012 through date of entry of final judgment in pre-judgment interest under the SEM Agreement;
- 6) \$3,942.47 in interest and \$3.53 per diem from May 11, 2012 through date of entry of final judgment in pre-judgment interest under the VS Agreement;

- 7) \$118,657.00 in attorney's fees; and
- 8) \$5,708.73 in costs.

The Clerk is directed to send copies of this Order to the parties either electronically through ECF or by mail.

SO ORDERED.

Dated: Brooklyn, New York
 October 3, 2012

s/ILG

 T. Leo Glasser